



State of Utah

Department of
Environmental Quality

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DIVISION OF AIR QUALITY
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DAQ-041-2005

MEMORANDUM

TO: Air Quality Board

THROUGH: Rick Sprott, Executive Secretary

THROUGH: Cheryl Heying, Planning Branch Manager

THROUGH: Dave McNeill, SIP Section Manager

FROM: Jan Miller, Rules Coordinator

DATE: June 23, 2005

SUBJECT: Approve Five-Year Reviews and Continue R307-115, General Conformity, and R307-320, Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program

All state agencies are required by the Utah Administrative Rulemaking Act (Title 63, Chapter 46a) to review each of their rules every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

At the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3)(a); these requirements are listed on the forms attached. If the agency does not file the form on time, the rule automatically expires, as provided in 63-46a-9(8). Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures (public notice, public comment, and final Board adoption).

The following rules are due for review shortly. A copy of each rule is attached, along with a copy of the review form to be filed with the Division of Administrative Rules.

R307-115. General Conformity

This rule incorporates by reference 40 CFR Title 93, Subpart B, the federal requirements for General Conformity. (This is not to be confused with Transportation Conformity, an entirely separate matter.) Subpart B requires that no federal agency support in any way any activity that does not conform with the State's implementation plan to protect air quality, and requires that states develop conformity plans that

are at least as stringent as the criteria and procedures set forth in Subpart B. Utah met that requirement by incorporating Subpart B by reference, and R307-115 has been approved by EPA as part of Utah's state implementation plan.

R307-320. Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program

R307-320 requires federal, state, and local governments, including school districts and colleges, to reduce, and measure the reduction of, drive-alone commuting by employees in Salt Lake and Davis Counties; it is a part of the Ozone Maintenance Plan. Much of the promotional work is carried out by the Utah Transit Authority, which has an extensive program to connect potential carpoolers and promote vanpools. UDEQ collects annual statistics from affected agencies.

Staff Recommendation: Staff recommends that the Board approve continuation of the attached rules, and also approve the forms to be filed with the Division of Administrative Rules.